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TAGS: [PHUM](#) [PGOV](#) [PTER](#) [KJUS](#) [ELAB](#) [CO](#)  
SUBJECT: QUARTERLY HUMAN RIGHTS CONSULTATION FOCUSES ON JUDICIAL INDEPENDENCE

REF: REF A: 09BOGOTA3277; REF B: 09BOGOTA3075

CLASSIFIED BY: Brian A. Nichols, Deputy Chief of Mission; REASON:  
1.4(B), (D)

SUMMARY

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[1](#)1. (U) Charge d'Affaires Brian Nichols hosted the Embassy's quarterly consultations with human rights groups on December 15. The discussion focused on judicial independence, the failure to implement the new intelligence law, and specific cases of displacement and "social cleansing." The Director of the Platform Group Coordination Colombia-Europe-United States called for the USG to cease providing assistance to the Inspector General's office. The CDA highlighted that State Department officials are interested in Colombia's human rights situation and how to best design USG policies to confront human rights challenges. End Summary.

[1](#)2. (SBU) Attendees included Mario Gomez and Natalia Martinez, Restrepo Barco Foundation; Father Alberto Franco, Inter-ecclesiastic Commission for Justice and Peace (Justice and Peace); Juan Camilo Rivera, Colombian Lawyers Commission (CCJ); and Alberto Yepes, Coordination Colombia Europe United States (CCEEU).

JUDICIAL INDEPENDENCE AT JEOPARDY?

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[1](#)3. (C) Alberto Yepes of CCEEU said that President Uribe's first reelection had dangerously destabilized the delicate system of checks and balances articulated in the Colombian constitution, putting judicial independence at risk. The constitution did not intend for one President to name all the directors of State agencies, said Yepes, but Uribe wielded that power. Yepes questioned Uribe's political will to nominate an independent

Prosecutor General (Fiscal General). Juan Camilo Rivera from CCJ expressed concern that an "extreme" Prosecutor General -- who would actively block important human rights cases -- might be named. Offering an alternate perspective, Restrepo Barco Foundation representative Mario Gomez said he interpreted the confrontations between the high courts and the executive as proof of a robust and independent judiciary. He suggested the investigation of the Vice President's paramilitary ties demonstrated that the Prosecutor General's Office (Fiscalia) had maintained its independence as well.

#### USG SUPPORT TO PROCURADURIA CHALLENGED

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¶4. (SBU) Yepes called for the USG to end assistance to the Inspector General's office (Procuraduria). Yepes said Inspector General Alejandro Ordonez Maldonado had abandoned his role as a counterbalance to the executive and had supported Uribe's government to the point of "illegality." Yepes cited, as examples: the recommendation to absolve retired Colonel Alfonso Plazas Vega, accused of forcibly disappearing persons during the 1985 assault to retake the Palace of Justice; the decision that congressional representatives implicated in the para-politics scandal should not be tried for conspiracy; and the attempt to nullify the Constitutional Court's decision ordering the GOC to make students aware of the specific circumstances when abortion is legal (REF A).

#### LAGS IN INTELLIGENCE LAW IMPLEMENTATION

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¶5. (C) Rivera expressed concern that no steps had been taken to implement the new intelligence law (Law 1298 of 2009), and noted without its application illegal intelligence collection likely would continue. Rivera said the law mandated the creation of a congressional commission to oversee intelligence activities, but no such body had been created. He criticized the failure of the GOC to launch a government-wide project to purge intelligence files as defined in Decree 3600, issued in September.

#### CASE STUDIES AND AN OPTIMISTIC ROUND UP

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¶6. (C) Father Franco of Justice and Peace reported that following the forced disappearances of seven men in late November, 45 people had been displaced from Argelia (Cauca) to the departmental capital of Popayan. Franco criticized the government reaction, which discounted the victims' claim that "paramilitary" groups had displaced them. In Putumayo, Franco said, his organization noted a growing trend of "social cleansing" forced disappearances and murders. For example, the mutilated body of a woman found in the Puerto Asis dump was presumed to be that of a prostitute named Marjene Dolly; her gay brother, who disappeared at the same time, has not been found. Gomez pointed to other serious human rights concerns like forced recruitment of children by illegal armed groups and violence against indigenous, but underscored the GOC's democratic security policy had achieved significant improvements in human rights, such as: a reduction in homicides, massacres, and kidnappings; improved access to health care and education; and a reduction in the poverty rate.

#### USG RESPONSE

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17. (C) CDA Nichols thanked the participants for the exchange of information and reiterated the important role human rights NGOs play in the certification process. He stressed that the USG has a legal and moral obligation to maintain a regular dialogue with NGOs and emphasized that State Department leadership had a strong interest Colombia's human rights situation. The CDA pointed to likely changes in the certification language, which would emphasize GOC protection of vulnerable groups (including the indigenous and Afro-Colombians), journalists, unionists, and human rights defenders and would prohibit assistance to the Administrative Department of Security (DAS).

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